



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



PLAN AMENDMENT REPORT

Meeting Date: January 21, 2014

Reference Name	Meadows at Southpoint II (A1300007)	Jurisdiction	City
Applicant	Meadows Land Investment, LLC		
Request Change in Comprehensive Plan Designation	From:	Office and Commercial	
	To:	Low-Medium Density Residential (4-8 DU/Ac.)	
Site Characteristics	Tier:	Suburban	
	Present Use:	Single-family residential and Vacant	
	Present Zoning:	Rural Residential (RR) and Office and Institutional (OI)	
	Overlays:	Jordan Lake Protected Area (F/J-B), Major Transportation Corridor (MTC)	
	Size:	46.9 acres	
Location	Southeast quadrant of NC Highway 54 and Barbee Road		
PIN(s)	0728-14-54-0087.SPL; 0728-03-34-9090		
Recommendations	Staff	Approval, based on the conditions warranting an amendment to the Future Land use Map, the justification, and the proposal meeting the four criteria for plan amendments.	
	Planning Commission	Approval, November 12, 2013, 13-1, based on the justification, the request meeting the four criteria for plan amendments, and information heard at the public hearing.	

**A. Summary**

The applicant, Meadows Land Investment, LCC, proposes to amend the Future Land Use Map for two parcels near the intersection of NC Highway 54 and Barbee Road. The proposal would change the future land use designation of 46.9 acres from Office and Commercial to Low-Medium Density Residential (4-8 DU/Ac.). The plan amendment is part of an associated Zoning Map Change request and development plan (Z1300020).

## **B. Site History**

A plan amendment was adopted for the portion of the site that is designated Commercial by the City Council on March 4, 2013 (Meadows at Southpoint, A1200002); that portion was previously designated Office. Also as a part of that plan amendment, the smaller parcel on the west side of the site was designated Office from Low Density Residential (4 or Less DU/Ac.). While that plan amendment was adopted by City Council, the associated zoning request (Z1200001) was denied 3-3. Therefore, the applicant has proposed a new future land use designation consistent with a new associated zoning map change request (A1300020).

Land at the corner of NC Highway 54 and Barbee Road, including a portion of this proposed plan amendment, was designated as Office in the *Triangle Township Plan* adopted by the City Council and Board of County Commissioners in 1993. The westernmost parcel of land included in this proposal was designated Low Density Residential (1-4 DU/Ac.) in the 1993 *Triangle Township Plan*.

## **C. Existing Site Characteristics**

The site is located near the southeast corner of NC Highway 54 and Barbee Road. The bulk of the proposed plan amendment, a 44.85 acre parcel that fronts NC Highway 54, is currently vacant. The westernmost parcel of 2.05 acres is currently used as a single-family residence. The site generally slopes from west to east. There is an unnamed tributary stream in the southern portion of the site.

## **D. Applicant's Plan Amendment Justification**

The applicant contends that the proposed changes to the Future Land Use Map are justified because the amendment "meets the goals of the Land Use Plan by accommodating the future growth demands of the Southern Durham community by locating this density along a major transportation corridor with its current capacity allowances, while balancing the impact to adjacent communities." The applicant also states that the request is "more compatible with surrounding land use designations along the south side of NC 54 and provides a greater transition to the existing neighborhoods from NC 54 and the non-residential designations north towards Interstate 40." Please refer to Attachment 4 for the complete justification statement provided by the applicant.

**Staff Response:** The proposed change is a conversion of non-residential uses to residential uses in an area that is, south of NC Highway 54, primarily residential. The residential designation at the proposed density would provide a transition between the non-residential designations and uses north of NC Highway 54 and

nearby single-family residential neighborhoods. Staff concludes that the proposal is justified.

## **E. Criteria for Plan Amendments**

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

### **1. Plan Consistency**

The *Durham Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. Evaluating the proposed plan amendment for consistency with these relevant policies is crucial in determining if changing the Future Land Use Map is appropriate.

<b>Table 1: Relevant <i>Comprehensive Plan</i> Policies</b>
<i>Policy 2.2.2h. Suburban Tier Density Evaluation. Evaluate allowed Suburban Tier residential densities in consideration of policies to encourage higher density development in the Downtown and Compact Neighborhood Tiers and Suburban Transit Support Areas.</i>
<i>Policy 2.3.1b. Contiguous Development. Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development within the Suburban Tier.</i>

The proposed plan amendment is within the recommended densities for Suburban Tier development. It is within the City limits and near existing infrastructure, and represents an orderly pattern of growth and development.

**Staff Conclusion:** This proposed plan amendment is consistent with all adopted plans and policies, and therefore, meets criterion 3.4.7A.

## 2. Compatibility with Existing Development and Future Land Use Patterns

This site is in southern Durham County near the intersection of NC Highway 54 and Barbee Road. The area is primarily single-family residential in nature, particularly to the south, with small scale commercial uses to the north and east. Southpoint Mall lies approximately one mile to the west.

Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Vacant, Commercial	Office, Commercial
East	Single-family residential	Low Density Residential
South	Single-family residential	Low Density Residential
West	Single-family residential	Low Density Residential

*Existing Uses:* A gas station is currently located on the southeastern corner of NC Highway 54 and Barbee Road, which is just northwest of the plan amendment site. To the north, across NC Highway 54, is the site of a former horticulture business. Immediately west of the site are single-family homes; about one mile further west is the Southpoint commercial center. Single-family neighborhoods are also to the south and west of the site.

*Future Land Use Designations:* All land to the west, south, and east of the site is designated Low Density Residential (4 or Less DU/Ac.). Land immediately adjacent to the northwest is a mix of Office and Commercial. The land north of the site across NC Highway 54 is designated Office.

*Analysis:* The proposed designation for the site of Low-Medium Density Residential (4-8 DU/Ac.) creates a step-down transition from the non-residential uses to the north and the single-family residential uses to the west, south, and east of the site.

**Staff Conclusion:** The proposed plan amendment is compatible with the current Future Land Use Map designations. The proposed plan amendment is therefore compatible with the adopted future land uses of the area and meets criterion 3.4.7.B.

### 3. Adverse Impacts

#### ***Infrastructure:***

A theme found throughout the *Durham Comprehensive Plan* is ensuring that the pace of urbanized growth does not exceed the ability to provide essential services (*Objective 2.3.2, Infrastructure Capacity*). Toward that end, *Policy 2.3.2a., Infrastructure Capacity*, directs the City-County Planning Department to consider impacts to the capacity of existing infrastructure when evaluating changes to the Future Land Use Map and Zoning Atlas.

Analysis: This site is within the City limits and water and sewer infrastructure already exists in the area to service the site. Details regarding transportation infrastructure capacity and limits are outlined in depth in the Zoning Map Change report.

#### ***Future Demand for Land Uses***

Durham Comprehensive Plan Policy 2.5.2e., Demand for Land Uses, states that in evaluating Plan Amendments, the Governing Boards and the City-County Planning Department shall consider the projected need for the requested land use in the future.

Analysis: The intent of this policy is to ensure that sufficient land is available to meet the future demand for a variety of uses. By 2040, Planning staff estimates there will be demand for approximately 4,662 acres of Commercial land county-wide, and the current Future Land Use Map accommodates 6,120. While the projected need for Office land in 2040 is currently greater than what the Future Land Use Map accommodates, staff does not feel that the loss of these few acres in this location will be overly significant.

#### ***Environment***

The site is within the Jordan Lake Protected Area (F/J-B) watershed protection overlay district and a small portion of the site lies within the Major Transportation Corridor (MTC) overlay district. There is a small tributary stream that flows through the southern portion of the site. However, there are no site specific conditions that would preclude it from developing according to standards for environmental protection found in the Unified Development Ordinance.

**Staff Conclusion:** The proposed plan amendment would not create substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

#### **4. Adequate Shape and Size**

The area requested for amendment is 46.9 acres in total and is of sufficient shape and size for low-to-medium density residential development in the Suburban Tier.

**Staff Conclusion:** The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

#### **F. Notification**

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Parkwood Association
- Partners Against Crime - District 4
- Northeast Creek StreamWatch
- Friends of Durham
- Inter-Neighborhood Council
- Fairfield Community Awareness Committee
- Unity in the Community for Progress
- Fayetteville Street Planning Group

#### **G. Recommendations**

Staff recommends approval of the proposed plan amendment, based on conditions warranting a change in the Future Land Use map, the justification, and the proposal meeting the four criteria for plan amendments.

Planning Commission recommended approval of the proposed plan amendment on 13-1 vote at its November 12, 2013 meeting based on the justification, the request meeting the four criteria for plan amendments, and information heard at the public hearing.

#### **H. Staff Contact**

Aaron Cain, Planning Supervisor, 560-4137 x28226, [aaron.cain@durhamnc.gov](mailto:aaron.cain@durhamnc.gov)

**I. Attachments**

Attachment 1, Proposed Change  
Attachment 2, Context Map  
Attachment 3, Aerial Photograph  
Attachment 4, Applicant's Justification Statement  
Attachment 5, Planning Commission Written Comments  
Attachment 6, Resolution